



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rosenstock et al. Examiner: TBA
Serial No.: Group: TBA
Filed: 09/30/2003 Case No: IS01406MCG
Entitled: METHOD OF MIGRATING ACTIVE GENERAL SERVICE
MANAGER FUNCTION

DECLARATION OF KEVIN D. WILLS UNDER 37 C.F.R. § 1.47

I, Kevin D. Wills, hereby state as follows:


1. I am a Patent Attorney in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include working with Motorola employees and non-Motorola employees to prepare and prosecute patent applications for Motorola.
2. On September 4, 2003, I contacted (by phone) both Richard Dykiel and Richard Lagueux, both of whom currently work for Sun Microsystems, Inc. I informed them that they were inventors on the above patent application. I inquired if they would review the claims, specification and drawings, and sign a Declaration and Assignment pertaining to the above patent application. Both Richard Dykiel and Richard Lagueux clearly understood exactly what they were being asked to review and sign. Both Richard Dykiel and Richard Lagueux said they would have to consult with their in-house counsel first.
3. On September 9, 2003, I was contacted by phone by Bernice Chen, Assistant General Counsel for Sun Microsystems, Inc. Bernice Chen indicated that both Richard Dykiel and Richard Lagueux would not be cooperating in pursuing the above patent application, both Richard Dykiel and Richard Lagueux would not be signing the Declaration and Assignment pertaining to the above patent application, and NOT to send copies of the claims, specification and drawings, or the Declaration and Assignment to Richard Dykiel, Richard Lagueux or herself. Bernice Chen also indicated

I was to have no further contact with Richard Dykiel or Richard Lagueux regarding this patent application.

4. On September 10, 2003, I received an express written refusal (by email) from both Richard Dykiel and Richard Lagueux to cooperate in pursuing the above patent application, which includes a refusal to receive copies of the claims, specification and drawings, and a refusal to sign the Declaration and Assignment. The emails are attached.
5. On September 17, 2003, I received an email from Bernice Chen giving me the current addresses of both Richard Dykiel and Richard Lagueux, and implicitly confirming my acknowledgment of her request to have no further contact with Richard Dykiel and Richard Lagueux. The email is attached.
6. Enclosed please find copies of the emails indicating my attempts to gain the cooperation of Richard Dykiel and Richard Lagueux in the pursuit of the above patent application.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,



KEVIN D. WILLS
MOTOROLA, INC.
Patent Attorney
Law Department

DATE: 4-29-04

Wills-Kevin-g14781

From: Rick Lagueux [Rick.Lagueux@Sun.COM]
Sent: Wednesday, September 10, 2003 4:13 AM
To: Kevin Wills
Subject: Re: about our phone conversation



Sigh. I've been railroaded too. I've been told in no uncertain terms that I am not allowed to assist Motorola in this effort. So please also do not send me any of the materials.

Sorry.

Rick

Richard Dykiel wrote:

> Kevin,
>
> In our phone conversation of yesterday, you expressed an interest in
> having me review, as one of the co-authors, the patent application you
> are drafting for Motorola.
>
> I hereby confirm our verbal agreement that you should NOT send me any
> materials pertaining to that patent application, or any other Motorola
> property, before either me or Sun's lawyers give the go-ahead to my
> participation.
>
> You will be contacted shortly by Bernice Chen, a Sun patent attorney.
>
> Best regards,
> Richard Dykiel.
>

--
Rick.Lagueux@Sun.com
Subnet Management Team Lead
Sun Microsystems VSP HEES
office: 781-442-6904
cell: 603-765-6593

Wills Kevin-g14781

From: Richard Dykiel [richard.dykiel@sun.com]
Sent: Wednesday, September 10, 2003 6:22 AM
To: Kevin.Wills
Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel
Subject: Motorola patent application

Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,
Richard Dykiel.

Wills Kevin-g14781

From: Bernice Chen [Bernice.Chen@Sun.COM]
Sent: Wednesday, September 17, 2003 4:11 PM
To: Wills Kevin-g14781
Subject: Re: Motorola patent application

Kevin,

Below are the inventor information you have requested.

Richard A. Lagueux
11 Pinewood Rd.
Hudson, NH 03051
Citizenship: United States of America

Richard Dykiel
29, Ethan Allen dr.
Acton, MA 01720
Citizenship: French

Regards,

Bernice

Wills Kevin-g14781 wrote:

Bernice:

It was nice chatting with you yesterday. The only thing I will need to follow through with what we discussed are the full names, home addresses and citizenship of both Richard Dykiel and Richard Lagueux. I wanted to get this information through you and respect your wishes that I have no further contact with these two individuals. Thanks for your help.

Regards,

Kevin Wills
Patent Attorney
Motorola

9/22/2003

-----Original Message-----

From: Richard Dykiel [<mailto:richard.dykiel@sun.com>]

Sent: Wednesday, September 10, 2003 6:22 AM

To: Kevin.Wills

Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel

Subject: Motorola patent application

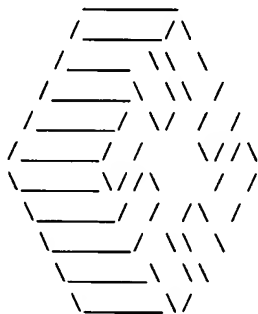
Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,
Richard Dykiel.

--



Bernice B. Chen
Assistant General Counsel
Sun Microsystems, Inc.
Mail Stop USUN05-204
910 Hermosa Court
Sunnyvale, CA 94085-4199
(408) 720-4842 (x6-4842)
(408) 720-2006 (x6-2006)
bernice.chen@sun.com

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:	10/676,948	Group:	2183
Filed:	09/30/2003	Case No:	IS01406MCG
Entitled:	METHOD OF MIGRATING ACTIVE GENERAL SERVICE MANAGER FUNCTION		

DECLARATION OF V. LYNN WEBB UNDER 37 C.F.R. § 1.47

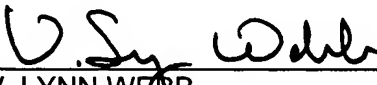
I, V. Lynn Webb, hereby state as follows:

1. I am an Administrative Assistant in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include obtaining the signatures of current Motorola employees, former Motorola employees and non-employees for the Declaration and Power of Attorney and for the Assignment documents with respect to patent applications filed on their behalf by Motorola as assignee of the inventions therein.
2. On March 29, 2004, I mailed to Richard Dykiel, via Certified Mail, Restricted Delivery to Addressee Only, a package containing documents for his review and documents for his signature, under certified mail label number 7003 1680 0004 2195 0307, at his last known address, 29 Ethan Allen Drive, Acton, MA 01720.
3. The package included copies of the Specification, Claims, Abstract, Drawings, for Richard Dykiel's review and a Declaration with Power of Attorney, and an Assignment and Agreement for Richard Dykiel's signature with respect to patent application serial no. 10/676,948, attorney docket no. IS01406MCG, filed September 30, 2003.

4. On April 1, 2004, April 6, 2004, and April 16, 2004, delivery of the package was attempted by the U.S. Post Office and ultimately marked UNCLAIMED, RETURN TO SENDER.
5. The package was returned to Motorola unopened on or about April 22, 2004.
6. Enclosed please find copies of the Cover Letter to Mr. Dykiel and a copy of the Certified Mail envelope, front and back, noting the U.S. Post Office's attempts to deliver the package to Mr. Dykiel and the lack of signature on the return receipt still attached to the envelope.

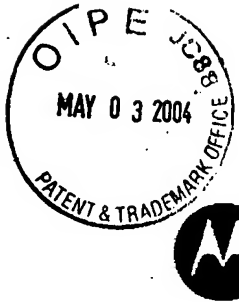
I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,



V. LYNN WEBB
MOTOROLA, INC.
Senior Administrative Assistant
Law Department

DATE: April 29, 2004



MOTOROLA

VIA Certified Mail
Label No. 7003 1680 0004 2195 0307

March 29, 2004

Richard Dykiel
29 Ethan Allen Drive
Acton, Massachusetts 01720

RE: Patent Application Title: METHOD OF MIGRATING ACTIVE
GENERAL SERVICE MANAGER FUNCTION
Application Serial No. 10/676,948
Docket Number IS01406MCG

Dear Mr. Dykiel:

Attached for your signature are the formal papers for the above-identified patent application. These documents need to be filed with the United States Patent Office, so please return them to me as soon as possible. After reviewing the final patent application specification and claims and reviewing the formal drawings, please execute the formal papers.

Return the original documents in the enclosed prepaid Federal Express envelope via **FEDERAL EXPRESS PRIORITY OVERNIGHT** to:

Kevin D. Wills
Motorola, Inc.
Law Department
3102 North 56th Street
Maildrop 56-238
Phoenix, AZ 85018
Phone: 602-952-4362

If you have any questions or concerns, please contact me at (602) 952-4364.

Very truly yours,

Kevin D. Wills



MOTOROLA

3102 North 56th Street
Mail Drop 56-238
Phoenix, Arizona 85018

Law Department

W 4/1/84
4-6
4-16

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CERTIFIED MAIL™



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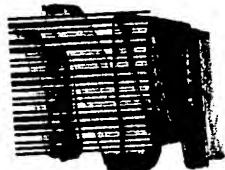
**RESTRICTED
DELIVERY**

2/21

Richard Dykiel
29 Ethan Allen Drive



UNCLAIMED



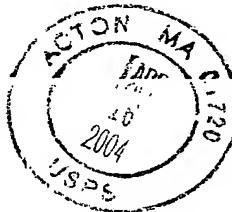
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Richard Dykiel 29 Ethan Allen Drive Acton, Massachusetts 01720</p>		<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>RESTRICTED DELIVERY</p>	
<p>2. Article Number (Transfer from service label) 7003 1680 0004 2195 0307</p> <p>PS Form 3811, August 2001</p>		<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

Domestic Return Receipt 102595-02-M-1540